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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/551,252 04/18/00 BRODBECK

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EXAMINER

M ROBERT KESTENBAUM
11011 BERMUDA DUNES NE
ALBUQUERQUE NM 87111

DEXTER, C	
ART UNIT	PAPER NUMBER

3724

DATE MAILED:

03/27/01

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/551,252

Applicant(s)
Brodbeck et al.

Examiner
Clark F. Dexter

Group Art Unit
3724



☐ Responsive to communication(s) filed on _____.

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-16 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-3 is/are rejected.

☒ Claim(s) 4-16 is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☒ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☒ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Abstract

2. This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.

Specification

3. The disclosure is objected to for the following informalities:

In general, the appropriate headings are missing from the specification; for example, on page 4, between lines 15 and 16, the heading "Brief Description of the Drawings" or the like is missing; and between lines 19 and 20, the heading "Detailed Description of the Preferred Embodiment" is missing.

On page 5, line 5 from the bottom, "guide rail 18" is inaccurate, and it seems that "18" should be changed to --16--.

Appropriate correction is required.

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Claim Objections

4. Claims 4-16^X are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claim. See MPEP § 608.01(n). Accordingly, these claims have not been further treated on the merits.

Claim Rejections - 35 USC § 112

5. Claims 2^X and 3/2^X are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. There appears to be no support in the specification or the drawings for the “quick clamping means” as set forth in claim 2.

6. Claims 1-3^X are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims are replete with vague and indefinite language and should be carefully reviewed. The following are examples of many of the occurrences of such language.

In claim 1, line 1, “which” is vague as to what it refers (e.g., the apparatus or the cutting tool); in line 2, “the cutting position” lacks antecedent basis; in line 7, “a programmable control” lacks structural cooperation, and sufficient structure has not been set forth to perform the setting of the cut-off length of the tubular sleeves.

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In claim 2, line 3, “preferably” renders the claim indefinite because it is unclear whether the limitations following the term are part of the claimed invention; also in line 3, the phrase “by means of” is vague and indefinite as to what is being set forth; also in line 3, “quick clamping means” is vague and indefinite as to what disclosed structure it refers; also in line 3, “a movable slide” is vague and indefinite as to whether it refers to that set forth in claim 1 or to another such movable slide.

In claim 3, lines 2-3, the phrase “which can travel in direction to the counter-holder” is vague and indefinite as to what is being set forth; in line 3, structural cooperation is lacking for “an ejector sleeve”.

Prior Art

7. Further consideration of the claimed invention with respect to the prior art will be given upon clarification of the claimed invention.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark Dexter whose telephone number is (703) 308-1404.

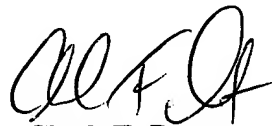
If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Mr. Rinaldi Rada, can be reached at (703)308-2187.

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Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)308-1148. The fax numbers for this group are: formal papers - (703)305-3579; informal/draft papers - (703)305-9835.



Clark F. Dexter
Primary Examiner
Art Unit 3724

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March 26, 2001